IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.162 of 2005

Between:

P. Srisailam, S/o Balaswamy,
Chinnamandadi Village, Peddamandadi Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Collector (CS), Mahaboobnagar District, Mahaboobnagar.
2 The Revenue Divisional Officer, Wanaparthy, Mahaboobnagar

District.
3 The Mandal Revenue Officer, Peddamandadi Mandal,

Mahaboobnagar District.
4 V. Kurumurthy, S/o Papanna,
Peddamandadi Mandal, Mahaboobnagar District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of mandamus to declare the impugned proceedings No. CS1/7/2005 dt. 3-1-2005 of the 1st respondent as illegal, arbitrary, without jurisdiction and consequently set aside the same.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: None appeared

The Court, at the admission stage, made the following:

ORDER:

The petitioner is a Fair Price Shop Dealer of Chinnamandadi village, Peddamandadi Mandal, Mahaboobnagar District. It is stated that based on the report of the 3rd respondent-Mandal Revenue Officer against the petitioner, the 2nd respondent-Revenue Divisional Officer issued a show cause notice calling upon the petitioner to submit his explanation to the charges leveled therein, for which the petitioner is stated to have submitted his explanation, and thereafter, the 2nd respondent-Revenue Divisional Officer, after conducting a thorough enquiry into the matter dropped the charges leveled against the petitioner, and allowed him to function as Fair Price Shop Dealer vide his proceedings dated 08.12.2004. The grievance of the petitioner is that assailing the said proceedings, the 4th respondent preferred an appeal before the 1st respondent-Collector (Civil Supplies), who without affording any opportunity of hearing to the petitioner, passed the impugned proceedings No.CS1/7/2005, dated 03.01.2005 granting stay of the orders of the 2nd respondent-Revenue Divisional Officer dated 08.12.2004. Hence he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner submitted that since the 2nd respondent-Revenue Divisional Officer after conducting a thorough enquiry into the matter has dropped the charges leveled against the petitioner and allowed him to function as Fair Price Shop Dealer, there should be no reason for the 1st

respondent to interfere with the same and grant stay of the orders passed by the 2nd respondent, and that too in an appeal preferred by the 4th respondent, who has no *locus standi* to prefer the same.

Prima-facie, the order passed by the 2nd respondent, which is appealed before the 1st respondent shows that the

3rd respondent has committed irregularities in allotting coupons to the consumers, and therefore, the petitioner should not be penalized. However, having regard to the fact that the appeal filed by the

4th respondent before the 1st respondent against the order of the

2nd respondent, is still pending, I deem it appropriate to dispose of the writ petition with the following directions:

The 1st respondent-Collector (Civil Supplies) is directed to consider and dispose of the appeal preferred by the 4th respondent as against the order of the 2nd respondent, expeditiously, and till the disposal of the said appeal, the impugned order of the 1st respondent is stayed, and the petitioner shall be continued as Fair Price Shop Dealer.

With the above observation the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 21.04.2005

Nsr/Ksr

..... REGISTRAR

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SECTION OFFICER

To

1 The Collector (CS), Mahaboobnagar District, Mahaboobnagar.
2 The Revenue Divisional Officer, Wanaparthy, Mahaboobnagar

District.
3 The Mandal Revenue Officer, Peddamandadi Mandal,

Mahaboobnagar District.
4 Two CCs to GP for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

5 Two CD copies